

# **CITY COUNCIL AGENDA**

**MARCH 1, 2005**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ, VICE MAYOR  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
VACANT  
DAVID D. CORTESE  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.htm](http://www.sanjoseca.gov/clerk/agenda.htm)

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:05 a.m. - Closed Session, Room 600, City Hall  
**Absent – Council Members: None.**  
  
1:41 p.m. - Regular Session, Council Chambers, City Hall  
**Absent – Council Members: None.**  
  
7:06 p.m. - Public Hearings, Council Chambers, City Hall  
**Absent – Council Members: None.**
- **Invocation (District 3)**  
**Lydia Chavez Medina delivered a prayer, entitled: “The Prayer of the Farm Worker’s Struggle”.**
- **Pledge of Allegiance**  
**Mayor Gonzales led the Pledge of Allegiance.**
- **Orders of the Day**  
**The Orders of the Day and the Amended Agenda were approved.**  
  
**Mayor Gonzales introduced Audrey Hutchinson and Lucretia Murphy from the National League of Cities.**

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of a proclamation declaring the City of San José as a Colon Cancer Free Zone. (LeZotte/Yeager)  
**Mayor Gonzales was joined at the podium by Council Member LeZotte and Council Member Yeager to present a proclamation to Gay Crawford and Dr. Richard Andronny declaring the City of San José as a Colon Cancer Free Zone.**
- 1.2 Presentation of a commendation to Peter Giles for his 18 years of service as President and CEO of The Tech Museum of Innovation. (Cortese)  
**Deferred.**

## 2 CONSENT CALENDAR

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### 2.1 Approval of Minutes.

There were none.

### 2.2 Final adoption of ordinances.

- (a) ORD. NO. 27354 – Establishes a public right-of-way over a portion of Emma Prusch Memorial Park to accommodate the widening of King Road in accordance with Charter Section 1702.

**Ordinance No. 27354 adopted.**

- (b) ORD. NO. 27357 – Amends Section 4.12.149 of Chapter 4.12 of Title 4 of the San José Municipal Code to revise the process for purchases of brand name or proprietary equipment, materials and supplies.

**Ordinance No. 27357 adopted.**

- (c) ORD. NO. 27360 – Prezones from County to R-1-8 Residential Zoning District and from County to CP Pedestrian Commercial Zoning District. C04-038

**Ordinance No. 27360 adopted.**

- (d) ORD. NO. 27361 – Rezones certain real property situated on the west end of Perigrino Way, approximately 150 feet northerly of Dry Creek Road to R-1-5 Single-Family Residence Zoning District. C04-084

**Ordinance No. 27361 adopted.**

- (e) ORD. NO. 27362 – Rezones certain real property situated on the west side of Monterey Road, 250 feet southerly of Lewis Road (2955 Monterey Road) to CN Commercial Neighborhood Zoning District. C04-097

**Ordinance No. 27362 adopted.**

- (f) ORD. NO. 27363 – Rezones certain real property situated on the east side of Bush Street, approximately 190 feet south of the Alameda (200 Bush Street) to A(PD) Planned Development Zoning District. PDC04-096

**Ordinance No. 27363 adopted.**

### 2.3 Approval of the City Auditor's Travel Calendar through June 30, 2005.

**Recommendation:** Approval of the City Auditor Gerald Silva's travel calendar through June 30, 2005, at a total cost to the City of \$2,353. (City Auditor)  
(Deferred from 2/1/05 – Item 2.5 and 2/15/05 – Item 2.4)

**Deferred to 3/15/05.**

## 2 CONSENT CALENDAR

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### 2.4 Appointment to the Project Diversity Screening Committee.

**Recommendation:** Approval of the appointments to the Project Diversity Screening Committee. (City Clerk)

(Rules Committee Referral 2/2/05)

(Deferred from 2/15/05 – Item 2.5)

**Approved.**

### 2.5 Approval of an Agreement with Team San José and Service America Corporation.

**Recommendation:** Approval of an Assignment, Assumption and Novation Agreement between the City of San José, Service America Corporation (Centerplate), and Team San José (TSJ) for catering services at the Convention Center and Cultural Facilities. CEQA: Not a Project. (City Manager's Office)

(Deferred from 1/11/05 – Item 2.4 and 2/15/05 – Item 2.6)

**Approved.**

### 2.6 Approval of a lease agreement for office space at the Airport.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a lease of airport premises with Menzies Aviation Group Inc. for office space in Terminal C from March 1, 2005 to February 28, 2010, with estimated annual revenue to the City of \$25,564. CEQA: Resolution Nos. 67380 and 71451, PP05-031. (Airport)

**Resolution No. 72546 adopted.**

### 2.7 Acceptance of the Office of the City Auditor's Report of Activities and Findings for the Period December 16 through January 13, 2005.

**Recommendation:** Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the Period December 16 through January 13, 2004*. (City Auditor)

**The Report was accepted.**

### 2.8 Adoption of a resolution amending the Regulations and Procedures for the San José Elections Commission Investigations and Hearings.

**Recommendation:** Adoption of a resolution amending the Regulations and Procedures for the San José Elections Commission Investigations and Hearings, as it relates to the qualifications and hiring of an evaluator/investigator, form and filing of complaints, statute of limitations and other technical amendments, as recommended by the Elections Commission and the Blue Ribbon Task Force. (City Clerk/City Attorney's Office)

**Resolution No. 72547 adopted.**

**Staff directed to provide more specificity about the scope of work for the evaluator/investigator.**

## 2 CONSENT CALENDAR

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### 2.9 Approval of an ordinance to exempt news vehicles from certain provisions of Municipal Code, Section 11.36.230.

**Recommendation:** Approval of an ordinance amending Section 11.36.230 of the San José Municipal Code to allow news vehicles to be exempt from certain provisions related to the stopping, standing, and parking of vehicles. CEQA: Not a Project. (City Manager's Office)

**Ordinance No. 27364 passed for publication.**

### 2.10 Approval of fiscal actions for Redevelopment Agency Capital Projects.

**Recommendation:**

(a) Adoption of the following 2004-2005 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):

- (1) Increase the appropriation to the Department of Public Works for the Greater Gardner Street Reconstruction Project (PSM 346#1) by \$172,000.
- (2) Establish an appropriation to the Library Department for the San José Child Care Facility Development Project (PSM 400), in the amount of \$617,000.
- (3) Establish an appropriation to the Department of Transportation for the K.O.N.A Traffic Calming Project (PSM 398), in the amount of \$25,000.
- (4) Establish an appropriation to the Department of Transportation for the West Evergreen Pedestrian Improvements Project (PSM 399), in the amount of \$70,000.
- (5) Increase the estimate for Earned Revenue by \$884,000.

**Ordinance No. 27365 adopted.**

**Resolution No. 72548 adopted.**

(b) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements as follows:

- (1) The San José Child Care Facility Development Project, as more specifically described in the memorandum from the Redevelopment Agency, dated February 23, 2005.

**Resolution No. 72549 adopted.**

- (2) The K.O.N.A. Traffic Calming Project, as more specifically described in the memorandum from the Redevelopment Agency, dated January 11, 2005.

**Resolution No. 72550 adopted.**

- (3) The West Evergreen Pedestrian Improvement Project, as more specifically described in the memorandum from the Redevelopment Agency, dated January 11, 2005.

CEQA: Greater Gardner Street Reconstruction: Not a Project; San José Child Care Facility Development: Not a Project; K.O.N.A. Traffic Calming: Not a Project; West Evergreen Pedestrian Improvements: Not a Project. Council Districts 3, 6, 7 and 8. SNI: Greater Gardner, K.O.N.A, and West Evergreen. (City Manager's Office)

**Resolution No. 72551 adopted.**

## 2 CONSENT CALENDAR

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### 2.11 Adoption of Statements of Policy and City Council Questions for the selection of a Chief Information Officer and General Services Director.

**Recommendation:** Adoption of Statements of Policy and City Council Questions related to the selection of a new Chief Information Officer and General Services Director as described in the memo, in compliance with City Charter Section 411.1. (Employee Services)

**Heard with Item 9.1**

**Statements of Policy and City Council Questions were adopted.**

**Council approved a memorandum from Council Member Cortese, dated March 1, 2005, recommending additional questions to be posed to candidates for the Information Technology and General Services Director positions: 1) “What is your experience with the public bid process in California”; 2) “In light of recent events in the City of San José with respect to the converged network system, what are your thoughts on ethics in dealing with private sector parties on matters involving public dollars?”, with additional Staff direction to include as a question posed to applicants for the Chief Information Officer position, “How would you implement a high profit Information Technology project in a large-scale atmosphere, such as the New City Hall”, and lastly to include within the General Services Statement of Policy, under Council Policy Proposed Broad Goals section, a bullet stating a goal that understands and integrates the City’s Environmental Procurement Policy (EPP), the Green Building Policy and the City’s Energy Policy and within the Information Technology Director section, to include a goal stating they understand and integrate the City’s EPP policy, and to also include as Question No. 8 for applicants, “What is your knowledge of and how would you implement the EPP, Green Building and Energy Policies?”**

### 2.12 Approval of open purchase orders for the purchase of supplies, materials, equipment and services.

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #10 and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

**Approved.**

### 2.13 Approval to continue a consultant agreement service for Smart Start San José.

**Recommendation:** Approval of the first amendment to the agreement with Steven T. Frederick Development Company to continue service as a consultant for Smart Start San José through June 30, 2006 and increase compensation by \$32,000, for a total agreement amount not to exceed \$127,000. CEQA: Not a Project. (Library)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.14 Approval to augment the authority of the Director of Parks, Recreation and Neighborhood Services to negotiate and execute agreements and contracts.

**Recommendation:** Adoption of a resolution authorizing the Director of Parks, Recreation and Neighborhood Services Department to negotiate and execute all grant agreements for the following grant programs:

- (a) Community Development Block Grant (CDBG) funding amounts and projects approved as a part of the 2004-2005 Adopted Operating Budget; and
- (b) Healthy Neighborhoods Venture Fund (HNVF) funding amounts and projects approved as a part of the 2004-2005 Adopted Operating Budget.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

**Resolution No. 72552 adopted.**

### 2.15 Approval of purchase and sale agreements for the Oakland Road Project.

**Recommendation:** Approval of Purchase and Sale Agreements and adoption of a resolution authorizing the Director of Public Works to execute any additional documents necessary to complete these transactions with Ernest E. Pestana and Irene F. Pestana, in the amount of \$255,482 for:

- (a) Fee title to a portion of 225 Oakland Road (APN: 237-01-006); and
- (b) A 12-month temporary construction easement on an adjoining portion of the property.

CEQA: Negative Declaration, PP03-06-209. Council District 4. (Public Works)

**Resolution No. 72553 adopted.**

### 2.16 Approval of a continuation agreement for surveying and map review services for the City of Campbell.

**Recommendation:** Approval of a continuation agreement for the City of San José to continue providing surveying and map review services to the City of Campbell in an amount not to exceed \$225,000; the duration of this continuation agreement is retroactive for the period January 1, 2005 through December 31, 2006. CEQA: Not a Project. (Public Works)

**Approved.**



## 2 CONSENT CALENDAR

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### 2.17 Approval of actions for the installation of emergency standby generators and components.

**Recommendation:** Adoption of a resolution:

- (a) Authorizing the Director of Public Works to approve specifications that require installation of emergency standby generators and components manufactured by Power Generation in all essential service buildings constructed pursuant to the Neighborhood Security Bond Act of; and
- (b) Finding that designating the installation of emergency standby generators and components manufactured by Power Generation is for the purpose of matching other products already in use on other public improvements.

CEQA: Not a Project. (Public Works/General Services)

**Deferred to 3/15/05.**

### 2.18 Approval to award contracts to install traffic signals.

**Recommendation:**

- (a) (1) Report on bids and award of contract for the Traffic Signal Installation at Martha Street and Seventh Street Project to the low bidder, Prism Engineering, Inc., in the amount of \$148,465, and approval of a contingency in the amount of \$14,800.  
**Approved.**
- (2) Adoption of the following appropriation ordinance and funding source resolution amendments in the Services for Redevelopment Capital Projects Fund (City-Side Redevelopment Fund):
  - (a) Increase the appropriation to the Department of Public Works for the Traffic Signal at Seventh and Martha Streets Project (PSM 372#1) in the amount of \$187,265.
  - (b) Increase the estimate for Earned Revenue by \$187,265.

CEQA: Exempt, PP04-330. Council District 3. SNI: Spartan/Keyes. (Public Works/Transportation/City Manager's Office)

**Ordinance No. 27366 adopted.**

**Resolution No. 72554 adopted.**

- (b) (1) Report on bids and award of contract for the Traffic Signal Installation at Lightland Road and McLaughlin Avenue Project to the low bidder, Pacific Electric Co., in the amount of \$146,046, and approval of a contingency in the amount of \$16,104.  
**Approved.**

- (2) Adoption of a resolution approving the Traffic Signal Installation at Lightland Road and McLaughlin Avenue Project and incorporating the appropriate environmental mitigation measures into the project.

CEQA: Mitigated Negative Declaration, entitled: "Ramblewood Park Elementary School" adopted by the Franklin-McKinley School District under Resolution No. 2003-29, adopted on December 9, 2003. State Clearinghouse No: 2003102119. Council District 7. (Public Works/Transportation)

**Resolution No. 72555 adopted.**

## 2 CONSENT CALENDAR

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### 2.19 Approval of Council Member Williams's travel request.

**Recommendation:** Approval of Council Member Williams's travel to Washington, D.C., March 6 - 8, 2005, to attend the American Public Transportation Agency Conference.

Funding: Santa Clara Valley Transportation Agency. (Williams)

**Approved.**

### 2.20 Approval to amend the Master Parking Rate Schedule.

**Recommendation:** Adoption of a resolution to amend the Master Parking Rate Schedule to modify evening/weekend parking rates on non-event days at the Convention Center Parking Garage and to rename the current Downtown Retail Validation Program to the Downtown Parking Validation Program and include validations for nightclubs, bars and restaurants under the program, to reassign the authority to determine the event flat-rate fee for parking at the Convention Center Parking Garage to the Director of Transportation, and repeal Resolution No. 72389. CEQA: Not a Project. Council District 3. (Transportation)

(Rules Committee referral 2/23/05)

**Resolution No. 72556 adopted.**

**Staff agreed to return to Council with a sub-area strategy during the budget process review of the Annual Parking Priorities Update and Parking Management Plans.**

### 2.21 Approval of a nomination to the San José Silicon Valley Workforce Investment Network Board of Directors.

**Recommendation:** Approval of a nomination to the San José Silicon Valley Workforce Network Board of Directors. (Mayor)

(Rules Committee referral 2/23/05)

**Approved.**

## 3 STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session

**Mayor Gonzales, Chair**

**None.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – February 9, 2005

##### Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review February 22, 2005 Council Agenda  
**Meeting Cancelled.**
  - (2) Add New Items to February 15, 2005 Amended Agenda  
**The Committee recommended six additions to the February 15, 2005 City Council agenda.**
  - (3) List of Reports Outstanding  
**The Committee noted and filed the City Manager's report.**
- (c) Legislative Update
  - (1) State – **There were none.**
  - (2) Federal  
**Director of Intergovernmental Relations Betsy Shotwell advised the Committee that the Federal Legislative Report had been released. Chair Chavez requested that a preliminary report be brought back to the Rules Committee as soon as possible.**
- (d) Meeting Schedules – **There were none.**
- (e) The Public Record – **The Committee noted and filed the Public Record.**
- (f) Appointments to Boards, Commissions and Committees  
**There was no report.**
- (g) Rules Committee Reviews, Recommendations and Approvals  
**None.**
- (h) Oral Communications  
**Bill Chew asked the Committee to start holding the Rules Committee meetings in Chambers, so that the meetings can be televised. Chair Chavez requested that the Administration evaluate the issue and report back to the Committee.**
- (i) Adjournment  
**The meeting adjourned at 2:15 p.m.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – February 16, 2005 (Cont'd.)

##### Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review March 1, 2005 Council Agenda  
**The Committee recommended approval of the March 1, 2005 City Council Agenda with five additions.**
  - (2) Add New Items to February 22, 2005 Amended Agenda  
**No Items. Meeting Cancelled.**
  - (3) List of Reports Outstanding  
**No Items. Meeting Cancelled.**
- (c) Legislative Update
  - (1) State  
**There were none.**
  - (2) Federal  
**Director of Housing Leslye Corsiglia responded to questions about CDGB and other housing Program cuts. Staff will return with a memorandum in greater detail.**
- (d) Meeting Schedules – **There were none.**
- (e) The Public Record – **None filed.**
- (f) Appointments to Boards, Commissions and Committees
  - (1) Airport Noise Advisory Committee  
**The Committee recommended the appointment of Ricardo Lewis Giardino, Citizen Representative and Michael Dennis O’Kane, Business Representative.**
- (g) Rules Committee Reviews, Recommendations and Approvals  
**There were none.**
- (h) Oral Communications  
**Bill Chew asked the Committee to consider a way to provide candidates for elective office the opportunity to communicate with constituents via a public forum held in Council Chambers and to provide a web page for candidates.**
- (i) Adjournment  
**The meeting adjourned at 2:18 p.m.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules Committee – February 23, 2005 (Partial) (Cont'd.)**

**Vice Mayor Chavez, Chair**

(f) Appointments to Boards, Commissions and Committees

(1) Deferred Compensation Advisory Committee Appointments

**The Committee recommended the appointment Donald DeMers as the San José Police Officers Association employees representative; Mark Skeen as the San José Fire Fighters Association, Local 230 employee representative; and Pascal Robineau as the trade unions employee representative to terms ending March 1, 2009.**

**The Rules Committee Report and Actions of February 9, 16, and 23, 2005 were accepted.**

#### **3.3 Report of the Making Government Work Better Committee – February 17, 2005 Council Member Reed, Chair**

(a) Status Report on Proposed Guidelines of the Request for Proposals Procedure  
**The Committee accepted the Staff's report.**

(b) Follow-up Report on Fire Department Overtime and Relief Staffing  
**The Committee accepted the Staff's report and requested that Staff return in March with a follow-up report.**

(c) Quarterly Debt Report  
**The Committee accepted the staff's report.**

(d) Quarterly Investment Report  
**The Committee accepted the staff's report.**

(e) Oral Petitions  
**None.**

(f) Adjournment  
**The meeting adjourned at 2:45 p.m.**

**The Making Government Work Better Committee Report and Actions of February 17, 2005 were accepted.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.4 Acceptance of the Arts Commission's Report on New City Hall programming and exhibits.

**Recommendation:**

- (a) Acceptance of the San José Arts Commission Ad Hoc Task Force Report on the New City Hall programming and exhibits; and

**The Report was accepted, with Staff direction to work with non-profits and grassroots organizations who may desire to display artwork at the New City Hall before committing to any bookings.**

- (b) Authorization of the one time use of the FY 2004-05 Arts Venture Fund appropriation, in the amount of \$200,000, as seed money for activation of the New City Hall through an implementation plan to be developed by staff consistent with the Task Force Report.

CEQA: Resolution No. 68905, PP98-03-072. (Cultural Affairs)  
(Deferred from 2/15/05 – Item 3.5)

**Approved.**

#### 3.5 Acceptance of the staff report providing an update on the procurement for freestanding furniture at the New City Hall.

**Recommendation:** Acceptance of the staff report providing an update on the procurement for freestanding furniture at the New City Hall. CEQA: Civic Plaza Redevelopment Plan EIR, CEQA: Resolution No. 68905, PP98-03-072. (City Manager's Office/General Services)

**The Report was accepted.**

#### 3.6 Approval to negotiate an agreement for the New City Hall's Converged Network.

**Recommendation:** Report on RFP and adoption of a resolution authorizing the City Manager to negotiate an agreement with Nortel Networks Corporation for the purchase of a Converged Data Network and Telephony System in an amount not to exceed \$5,631,600 plus a 10% contingency (\$563,160), for the installation and one year managed services for a converged voice, video, and data network for the New City Hall and to present the final agreement to the City Council for approval on or before March 15, 2005. CEQA: Not a Project. (City Manager's Office/Information Technology/Finance/General Services)

**Deferred to 3/15/05.**

#### 3.7 Acceptance of the staff report providing an update on relocation services for the New City Hall.

**Recommendation:** Acceptance of the staff report providing an update on relocation services for the New City Hall. CEQA: Resolution No. 68905, PP98-03-072. (City Manager's Office)

(Rules Committee referral 2/23/05)

**The Report was accepted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.1 Report of the Building Strong Neighborhoods Committee**

**Council Member Chirco, Chair**

**None.**

### **4.2 Report of the Driving a Strong Economy Committee**

**Council Member Williams, Chair**

**None.**

### **4.3 Public Hearing on an ordinance to amend Title 23 of the Municipal Code of the City of San José to approve various modifications to the Sign Ordinance.**

**Recommendation:** Public Hearing on an ordinance to amend Title 23 of the Municipal Code of the City of San José, to expand the boundary of the Downtown Sign Zone; modify the Downtown Sign Zone provisions to include regulations for Mixed-Use Development and modifications to the temporary Sign and 3D Sign Regulations; modify the Airport Sign Zone provisions to allow Neon signage and clarify regulations; include sign provisions for Live/Work uses; modify the skyline and rooftop sign provisions to apply Citywide; modify the commercial sign provisions to allow greater flexibility for two-story retail uses and to establish a minimum base height for detached signs; clarify public outreach sign allowances; clarify directory sign allowances for parking structures; and reorganize and reformat various sections along with other minor technical changes. CEQA: Exempt, PP05-040. (Planning, Building and Code Enforcement)

**Deferred to 3/15/05.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the All Children Achieve Committee – February 10, 2005**

**Council Member Yeager, Chair**

(a) City of San José's Youth Services Update and Overview

**The Committee accepted the report.**

(b) Youth Commission Strategic Workplan

**The Committee accepted the report.**

(c) Oral Petitions

**Bill Chew spoke.**

(d) Adjournment

**The meeting was adjourned at 2:50 p.m.**

**The All Children Achieve Report and Actions of February 10, 2005 were accepted.**

## **6 TRANSPORTATION SERVICES**

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### **6.1 Report of the Building Better Transportation Committee – February 7, 2005 Council Member Campos, Chair**

- (a) Expansion and Improvement of Transit and Transportation Systems  
**No items.**
- (b) Traffic Relief/Safe Streets  
**No items.**
- (c) Supporting Smart Growth
  - (1) Report on Updates to City's Jobs, Housing and Transportation Policies to Support Economic Development in Downtown, North San José, and Transit Corridors  
**The Committee accepted the report with one member absent, and direction to staff to incorporate all the opinions voiced today into the next report that should come before Council in June 2005.**
- (d) Regional Relationships/Funding/Policy
  - (1) Report on Proposed Legislation for Vehicle Registration Surcharge in Santa Clara County  
**The Committee moved for approval of the concept of the legislation report and direction to staff to change the title from replace specific transportation improvements with various transportation categories and with the goal of achieving geographic equity, reimbursements to cities in advance, and some additional information on the VTA studies for litter, and to return to the Committee in March.**
- (e) Oral Petitions  
**There were none.**
- (f) Adjournment  
**The Committee was adjourned at 3:39 p.m.**

**The Building Better Transportation Committee Report and Actions of February 7, 2005 were accepted.**



## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Approval of actions for the Santa Clara Valley Urban Runoff Pollution Prevention Program.**

**Recommendation:** Adoption of a resolution:

- (a) Authorizing the City Manager to execute a First Amendment to the Memorandum of Agreement (MOA) for the Santa Clara Valley Urban Runoff Pollution Prevention Program (Program), which will extend the term of the MOA to March 10, 2006, and provide for an independent review by the Program of the MOA cost allocation formula and the term, scope, and cost of the Program MOA during fiscal year 2005-06, with no change in the cost to the City of participation in the Program; and
- (b) Authorizing the City representative of the Program Management Committee to approve a change in the Program contracting/fiscal agent from the Santa Clara Valley Water District to one of the thirteen other Program co-permittees.

CEQA: Not a Project. (Environmental Services)

(Referred from 2/8/05 – Item 2.3)

**Resolution No. 72557 adopted.**

## **8 AVIATION SERVICES**

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### **8.1 Approval of a Minor Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport to increase the estimated size of terminal building space.**

**Recommendation:** Adoption of a resolution approving a Minor Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport to increase the estimated size of terminal building space needed to adequately accommodate projected passenger demand from a total of 1,075,000 square feet to 1,700,000 square feet of enclosed building space. CEQA: Resolution Nos. 67380 and 71451, PP04-305. (Airport)

(Deferred from 11/16/04 – Item 8.1(d), et al, and 1/25/05 – Item 8.1)

**Resolution No. 72558 adopted.**

**Council approved a memorandum from Mayor Gonzales, Vice Mayor Chavez, and Council Member Yeager, dated March 1, 2005, recommending the City Council include the following direction to Airport Staff in the motion to approve Item 8.1 regarding a minor amendment to the Airport Master Plan to increase the estimated size of terminal building space: 1) Reaffirm the Council's policy that before the Council considers an amendment to the Municipal Code to allow the Airport to expand beyond 40 airline gates, the Administration must update its Master Plan demand forecasts and prepare, in turn, a supplemental or new Airport Master Plan EIR, (2) Recognize that the concept of "shared gates" is a separate and unrelated item from the issue of amending the Master Plan to increase the**

*(Continued on next page)*

## **8 AVIATION SERVICES**

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### **8.1 Approval of a Minor Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport to increase the estimated size of terminal building space. (Action cont'd.)**

terminal square footage, A CEQA review would be required before the Council approves any expansion of the shared use gates concept to Council within the next 180 days prior to presenting the information technology procurement strategy for the North Concourse, Staff directed to do appropriate outreach to the community before the shared use concept is presented to Council, (3) When the City Council approves the development of new airport facilities, the City will require – as it did with the North Concourse – that compliance with the Municipal Codes provisions applicable to development have been achieved. This would include: a review to be conducted of the overall historical compliance of the potential airline or interested user(s) of proposed terminal facilities with the Airport Noise Control Program; A report containing updated activity levels including numbers of passengers, aircraft operations and fleet mix, cargo tonnage, Airport-based general aviation aircraft, on-Airport parking statistics, and a comparison of such activity levels to the 1997 Airport Master Plan forecast be presented to Council prior to the consideration of a new terminal building; That new terminal facilities shall only be constructed when the City has obtained and approves adequate written documentation which assures that the funding of the costs of development, maintenance, and operation of such facilities will be paid by the users of the facilities, with addition direction for Staff to provide Council with information that was supplied to Southwest Airlines for clarification purposes and to provide further information regarding the Automated People Mover (APM) and the costs of any tunneling structures to extend the APM from the Santa Clara Train Station.

## **9 PUBLIC SAFETY SERVICES**

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### **9.1 Acceptance of PTI's report on Computer Aided Dispatch System and Staff's response.**

**Recommendation:**

- (a) Accept the Public Technology Institute (PTI) SWAT Team review of the City's Computer-Aided Dispatch (CAD) System.

**The Review was accepted.**

- (b) Accept staff's response to the PTI report and recommendations.  
(Police/Fire/Public Works/Information Technology)  
(Deferred from 2/15/05 – Item 9.1)

**Staff's response was accepted.**

**Staff directed to bring back to Council a status report when the majority of the September changes are in place.**

### **9.2 Acceptance of the report entitled, *Impact of Cardroom Gambling on Crime in the City of San José*.**

**Recommendation:** Acceptance of the report related to the impact of cardroom gambling on crime in the City of San José for the period July 1, 2003 to June 30, 2004. CEQA: Not a Project. (Police)

**The Report was accepted.**

## **10 JOINT COUNCIL/REDEVELOPMENT AGENCY**

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**The Redevelopment Agency Board convened at 4:38 p.m. to consider Item 10.1 in a Joint Session.**

### **10.1 Approval of policy on domestic partner benefits.**

**Recommendation:**

- (a) Adoption of a resolution by the City Council restating the intent of the Council action of March 9, 2004 and setting the following policies in view of the California Domestic Partner Rights and Responsibilities Act, which became effective January 1, 2005:
- (1) That the intent of the City Council action of March 9, 2004, was to allow City employees who enter into marriage, which are certified by the jurisdiction where the marriage was performed, to participate in the receipt of City of San José employee benefits on an equal basis without passing on the legality of same sex marriages in California.

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 10.1 Approval of policy on domestic partner benefits. (Cont'd.)

#### **Recommendation:**

- (a) Adoption of a resolution by the City Council restating the intent of the Council action of March 9, 2004 and setting the following policies in view of the California Domestic Partner Rights and Responsibilities Act, which became effective January 1, 2005:
  - (2) That on May 18, 2004, the City Council approved the extension of health and dental insurance benefits to the children of domestic partners of City and Agency employees.
  - (3) That the City of San José employees and their domestic partners who are members of a domestic partnership registered with the Secretary of State will be provided equal treatment with regard to City benefits, as is provided to married employees and their spouses.
  - (4) That City of San José employees and their domestic partners who are not members of a domestic partnership registered with the Secretary of State, but who are registered with the City of San José will be provided equal treatment with regard to City benefits, as is provided to married employees and their spouses.

#### **Resolution No. 72559 adopted.**

- (b) Adoption of a resolution by the Agency Board adopting the City Council's policy referred to above to apply to Agency employee benefits.

(City Attorney's Office)

(Rules Committee referral 2/23/05)

#### **Agency Resolution No. 5589 adopted.**

**The Redevelopment Agency Board portion of the meeting adjourned at 4:46 p.m.**

- **Closed Session Report**

**None.**

- **Notice of City Engineer's Pending Decision on Final Maps**  
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

**None.**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

**None.**

- **Open Forum—**
  - (1) Mark Trout expressed personal religious observations.**
  - (2) Ross Signorino mentioned the popularity of the HP Pavilion.**

# 11 PUBLIC HEARINGS

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(Heard by the City Council at 7:06 p.m.)

## 11.1 Public Hearing on a Planned Development Rezoning from R-1-8 to A(PD) to allow one existing and one new single family attached residence.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on a Planned Development Rezoning from R-1-8 to A(PD) District to allow one existing and one new single-family attached residence on a 0.46 gross acre site, located at/on the southwest corner of Pine Avenue and Cottle Avenue (1260 Pine Avenue) (Fortune Fred and Cathleen, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC04-105 - District 6

(Continued from 2/15/05 – Item 11.3)

**Ordinance No. 27367 passed for publication.**

## 11.2 Public Hearing on a Conforming Conventional Rezoning of the property located at 4558 Birkenshaw Place.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Conforming Conventional Rezoning of the property located at the southeast corner of Branham Lane and Birkenshaw Place (4558 Birkenshaw Pl.), from R-1-1 Residence Zoning District to R-1-8 Residence Zoning District, on a 0.23 gross acre site (Lin Mon F, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C04-079 - District 10

(Continued from 12/7/04 - Item 11.9 et al and 2/15/05 – Item 11.1)

**Ordinance No. 27368 passed for publication.**

## 11.3 Public Hearing on Conventional Rezoning from R-2 Two Family Residence Zoning District to R-M Multiple Residence Zoning District.

**Recommendation:** Public Hearing on Conventional Rezoning from R-2 Two-Family Residence Zoning District to R-M Multiple Residence Zoning District to allow residential uses on a 0.20 gross acre site, located at the northeast corner of N. 6<sup>th</sup> Street and Younger Avenue (257 E. Younger Avenue) (Roy Family Partnership, Owner).

CEQA: Resolution No. 65459.

C04-102 – District 3

**Continued to 3/15/05.**

## 11 PUBLIC HEARINGS

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### 11.4 Public Hearing on a Planned Development Rezoning to allow four affordable single-family attached residences.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on a Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow four affordable single-family attached residences and on-site parking and circulation on a 0.326 gross acre site, located at the southeast corner of North 13<sup>th</sup> Street and East Julian Street (288 N. 13<sup>th</sup> St.) (Silicon Valley Habitat for Humanity, Owner) SNI: 13<sup>th</sup> Street. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC04-089 - District 3

**Ordinance No. 27369 adopted.**

### 11.5 Public Hearing on Conforming Prezoning of the property located at/on the west side of South White Road between Milford Way and Story Road.

**Recommendation:** Public Hearing on Conforming Prezoning from County to CP Commercial Pedestrian Zoning District on a 0.82 gross acre site, located at/on the west side of South White Road, between Milford Way and Story Road (1075 S. White Road) (John M. Powell, Owner). SNI: East Valley/ 680 Communities. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommend approval. No Planning Commission action required.

C04-108 - District 5

**Ordinance No. 27370 passed for publication.**

### 11.6 Public Hearing on a Planned Development Rezoning from R-1-8 Single-Family Zoning District to allow up to 9 single-family detached residences.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on a Planned Development Rezoning from R-1-8 Single-Family Zoning District to A(PD) Planned Development Zoning District to allow up to 9 single-family detached residences on a 1.17 gross acre site, located at/on the south side of Malone Road, approximately 240 feet northeasterly of Johnston Avenue (800 Malone Rd.) (Letcher Carol D., Owner). SNI: None. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-1-1).

PDC04-028 - District 6

**Ordinance No. 27371 passed for publication.**

# 11 PUBLIC HEARINGS

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## 11.7 Public Hearing on a Planned Development Rezoning from A Agricultural Zoning District to A(PD) Planned Development Zoning District.

**Recommendation:** Public Hearing on and consideration of an ordinance on a Planned Development Rezoning from A Agricultural Zoning District to A(PD) Planned Development Zoning District to allow 2 single-family detached residences on a 89.3 gross acre site, located on the west side of McKean Road, approximately 4,000 feet northerly of Uvas Road (23735 McKean Road) (Young Patrick Trustee & Et Al, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).  
PDC04-057 - District 10

**Ordinance No. 27372 passed for publication.**

- **Open Forum**

(1) **David Bevins expressed concerns regarding the Downtown Convention Center business tactics.**

- **Adjournment**

**The meeting of the Council of the City of San was adjourned at 7:16 p.m. in memory of: Leonard Richard “Red” Lamantia, a lifelong resident of San José, a farmer from Eergreen, and a very active volunteer in the San José community; In honor of Dr. Alexander “Sandy” Ellenberg, a surgeon who gave of himself for the betterment of the San José Community.**

## **Joint Council/Redevelopment Agency Meeting**

### 8.1 **Public Hearing and approval of actions related to the approval of a Disposition and Development Agreement with Wilcox Block, LLC, for the sale, rehabilitation and reuse of the Crescent Site, located at 93-99 S. First St. and 17-31 W. San Fernando St. and related budget actions.**

**Recommendations:**

- (a) Adoption of a resolution by the City Council accepting the 33433 Summary Report and Re-Use Appraisal, and finding that the disposition of the Crescent Site, located at 93-99 South First Street and 17-31 West San Fernando Street (APN 259-40-064) to Wilcox Block, LLC, will assist in the elimination of blight, is consistent with the Pueblo Uno Redevelopment Project Area objectives, and that the consideration for the property is not less than the fair reuse value for the proposed uses, with the covenants and conditions and development costs authorized by the Disposition and Development Agreement (DDA).

**Resolution No. 72560 adopted.**



**8.1 Public Hearing and approval of actions related to the approval of a Disposition and Development Agreement with Wilcox Block, LLC, for the sale, rehabilitation and reuse of the Crescent Site, located at 93-99 S. First St. and 17-31 W. San Fernando St. and related budget actions. (Cont'd.)**

**Recommendations:**

- (b) Adoption of a resolution by the Redevelopment Agency Board approving a DDA with Wilcox Block, LLC, and authorizing the Executive Director to execute the DDA and ancillary documents contemplated by the DDA, to close escrow subject to compliance with the terms of the DDA, and to negotiate and execute amendments to the DDA substantially in conformance with the intent of the DDA and as reasonably necessary to conform to lender requirements.

**Agency Resolution No. 5586 adopted.**

- (c) Adoption of a resolution by the Redevelopment Agency Board approving additional revenue of \$200,000 to the Adopted 2004-2005 Capital Budget Other/Miscellaneous Revenue.

CEQA: Resolution No. 71039.1, PP04-321 [MERGED]

**Agency Resolution No. 5587 adopted.**

**8.2 City Council and Redevelopment Agency Board approval of actions related to the California Redevelopment Association/Education Revenue Augmentation Fund Loan Program.**

**Recommendation:**

- (a) Adoption of a resolution by the Redevelopment Agency Board approving an Amended and Restated Joint Exercise of Powers Agreement relating to the California Statewide Communities Development Authority, allowing the Agency to participate in the California Redevelopment Association/Education Revenue Augmentation Fund (CRA/ERAF) Loan Program.

**Resolution No. 72561 adopted.**

- (b) Adoption of a resolution by the City Council reporting to the County Auditor the Agency's intent to fund its ERAF payment in the amount of \$18,626,954 with funds borrowed from the CRA/ERAF Loan Program.

**Agency Resolution No. 5588 adopted.**